

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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336 LLC, d/b/a “The Erotica”, et al.,
Plaintiffs,

v.

THE CITY OF NEW YORK, et al.,
Defendants.

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Docket No.
1:18-cv-3732-LJL

[rel. 1:02-cv-4431-LJL]

[rel. 1:02-cv-4432-LJL]

[rel. 1:02-cv-8333-LJL]

DECLARATION OF DANIEL KNECHT
IN SUPPORT OF PLAINTIFFS’ MOTIONS FOR
PARTIAL SUMMARY JUDGMENT

DANIEL KNECHT hereby declares pursuant to 28 U.S.C. § 1746:

1. I submit this declaration in support of the Bookstore Plaintiffs’ Motion for Partial Summary Judgment. This declaration is based upon personal knowledge, except any facts stated on information and belief.

2. I am a member of 336 LLC, a Plaintiff in this lawsuit, which operates the bookstore known as The Erotica, at 336 Eighth Avenue, between West 26th Street and West 27th Street, in the Chelsea section of Manhattan. I am also a principal of VDAN Sales Inc., which distributes marital aids, lingerie, novelties, and other merchandise to bookstores throughout New York.

3. I have reviewed the declaration that I submitted in November of 2018, in support of Plaintiffs' Motion for a Preliminary Injunction. ECF No. 42 at 90. I believe a copy of that declaration is being re-filed in support of this Motion for Partial Summary Judgment.

4. I confirm, to the best of my knowledge, that the facts in that declaration are still true except (1) Explore DVD LLC, located at 97-06 Queens Boulevard in Queens, has closed; and (2) Sensations Video, located at 150-19 Guy R. Brewer Boulevard in Queens, has closed.

5. Our bookstore temporarily closed due to the COVID pandemic, in compliance with all relevant governmental orders, but otherwise has continued in uninterrupted operation offering some constitutionally protected adult material since it first opened. The pandemic was devastating to us because our landlord continued to charge us rent during the forced closure, and we were unable to receive any government funding because we sell some adult material.

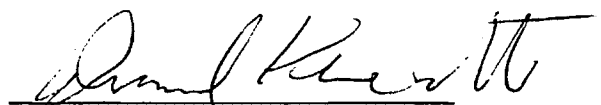
6. Our store is at street level and does not have any stairs. It is accessible to customers who use wheelchairs.

7. If the 2001 Amendments are permitted to take effect and be enforced, and our bookstore is compelled to move from its present location in order to comply therewith, we may wish to relocate, but we would be unwilling and unable to do so under the regulatory scheme being challenged.

8. I have read and am familiar with the Declaration of Michael Berzak, to be filed with this declaration. For the reasons set forth in that declaration, unless and until the deficiencies in the vesting provisions of the Zoning Resolution are remedied, we would not attempt to open a new bookstore with private viewing booths for adult material at any location not already licensed for adult use.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 9, 2022


Daniel Knecht